

Discussion Paper  
Legal Services Corporation Summit on Performance Measures:  
Assessing Quality and Measuring Results  
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**Why We Measure Outcomes**

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**I. The Context for Measuring Outcomes**

The Legal Aid Society of Greater Cincinnati (Legal Aid) initiated the planning process that came to include measuring outcomes by developing a mission statement, program goals, time-framed objectives, and a workplan of services and strategies to achieve the goals, when, in 1979, a key staff member<sup>1</sup> embraced "Priority Setting" as the vehicle for transforming a somewhat stodgy and uneven legal services program into a focused, community-oriented, high-quality law office. Legal Aid staff engaged with representatives of our client community and with the staff leaders of other non-profits serving the poor, to build commitment to a shared understanding of the purpose and potential impact of Legal Aid's work. This process established an expectation that the program would seriously grapple with fundamental questions like: "What are we trying to accomplish?" and "How will we know if we are succeeding?"

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<sup>1</sup> Jerry Lawson, the managing attorney of the then Welfare Unit and Legal Aid Society of Cincinnati's Executive Director from 1980–1988. John Arango participated as a consultant.

In 1986, Legal Aid took its next meaningful steps towards developing useable outcome measures as the result of a conference about effective legal services designed by Gerry Singsen and others<sup>2</sup>. The message, as it came back to Cincinnati, was that results matter; counting cases isn't enough. If we wanted to seriously evaluate whether our workplans, case acceptance criteria and impact strategies were creating something of value to our clients, we had to begin keeping track of results.

The United Way<sup>3</sup>, a significant Legal Aid funder, also became a catalyst, as it required Legal Aid to address program effectiveness in its funding applications. In the mid-1980's we developed Service Effectiveness Measures (SEMs) for most of the categories of individual cases in our workplans. Using the SEMs, we recorded whether we "won," "lost" or results were "mixed" in benefits cases; if we prevented evictions or lockouts, or obtained repairs of bad conditions in housing cases; or prevented garnishments or repossessions. SEMs generated more useful information than LSC closing codes, but in the absence of any prior commitment to measurable objectives, and given the still rudimentary information about the outcomes achieved for clients, we knew that the SEMs were merely a first cut at tracking results to evaluate effectiveness.<sup>4</sup>

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<sup>2</sup> The author regrets that Legal Aid no longer has the original materials from this conference. "Services Effectiveness Measures" was the terminology we took away. Our memory is that John Tull and John Arango also participated in the design and presentation of this conference.

<sup>3</sup> We also applied for grants to fund a variety of projects. Private funders expected an explanation of what we were going to accomplish, along with an evaluation methodology. These fundraising activities helped build our evaluation capability.

<sup>4</sup> Like many programs, we emphasized "inputs," such as LSC quality indicators, standards of practice, supervision protocols, staff training, and up-or-out personnel policies, to try to guarantee effectiveness through an emphasis on quality legal work. The approach was influenced by Gary Bellow's seminal article "Turning Solutions into Problems: The Legal Aid Experience" 34 NLADA Briefcase 106, August, 1977, and the author's personal participation in the reform of Greater Boston Legal Services' approach to case supervision in the mid 1970s. Denny Ray, with his emphasis on attorney mentoring and the early LSC (PAWS I and PAWS II) Training Modules

In 1995 Legal Aid's Litigation Director initiated a program-wide effort to improve project management skills, so that experienced attorneys could effectively manage complex cases and projects. We built on our Standards of Practice, which emphasize case planning, to teach ourselves how to measure outcomes for economic and housing development work, community education, complex litigation, administrative advocacy and legislative representation. We learned to set objectives that are specific and measurable, and decided to measure results, outcomes, or milestones in complex cases and other projects twice a year, in addition to documenting, in writing, activities and progress as part of a monthly legal work report. The attorneys responsible for each case or project set the objectives, hoped-for outcomes for clients, and outcome indicators that they will measure, when they begin the case or project. They also explain how accomplishing the results proposed will help achieve goals set forth in the program's workplan. Over the past eight years, we have refined our ability to articulate objectives and evaluate results achieved in individual cases, community legal education, and impact projects.

On the whole, attorneys at Legal Aid participate willingly, and some enthusiastically, in the challenging tasks of articulating the planned outcome for clients and other results to be achieved, and devising practical ways to measure the effectiveness of Legal Aid's services and strategies. They are very interested in gaining a better understanding of what we are actually accomplishing for clients. Attorneys and paralegals who are responsible for achieving the outcomes have a primary responsibility for proposing an evaluation methodology. Many can

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on Law Office Management and Legal Work Supervision, were also important to Legal Aid's development of a high-quality, effective legal practice.

now describe the results, including client outcomes, they are aiming for, not merely the service or activity they will undertake<sup>5</sup>.

Early on, managers often anticipate resistance, even fear, about evaluating results; but as our staff met in their practice groups and began brainstorming about outcomes, it soon came to light that several staff members already noted the "outcomes" they achieved for clients in their case file notes. They were pleased that these results might now come to light, as Dilbert could have predicted. Certainly it would have come as no surprise to Frederick Herzberg, whose studies show that achievement and recognition are the two most important motivators for professional employees.<sup>6</sup>

Articulating desirable outcomes and providing a systematic way of measuring their achievement creates a direct feedback loop for the employees who are doing the work, and helps align their drive for achievement to specifically achieving the agreed-upon organizational goals and objectives.<sup>7</sup> It also provides information that can be used to increase recognition of staff success.

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<sup>5</sup> As Covey explains, "one of the fundamental problems in organizations.... is that people are not committed to the determinations of other people for their lives. They simply don't buy into them..... Without involvement, there is no commitment. Mark it down, asterisk it, circle it, underline it. No involvement, no commitment.

Now in the early stages, when a person is new to an organization.....you can pretty well give them a goal and they'll buy it, particularly if the relationship, orientation, and training are good.

But when people become more mature and their own lives take on a separate meaning, they want involvement, significant involvement. And if they don't have that involvement, they don't buy it. Then you have a significant motivational problem which cannot be solved at the same level of thinking that created it." Covey, Stephen R. *The 7 Habits of Highly Effective People: Restoring the Character Ethic*. Simon and Schuster, 1990. P. 143.

<sup>6</sup> See, One More Time: How Do You Motivate Employees? *Harvard Business Review*, January - February 1968. This article has been distributed at many legal services management trainings. HBR reprints are available. Call 1-800-274-3214 or visit the website [www.hbr.com](http://www.hbr.com).

<sup>7</sup> Obviously a key question here is, whose objectives are to be measured? If this evaluation process relates back to the Legal Services Corporation's strategic plan, it is LSC's objectives that are to be measured. In the absence of a national workplan, with defined objectives, agreed strategies and action plans, national outcome

In Cincinnati, we started with measures that staff members themselves could generate, and decided to record up to four coded outcomes for an individual case<sup>8</sup>. In addition, the number of clients affected, and an estimate of the amount of money involved are recorded for each closed case. We also established a system for collecting a brief optional narrative to capture the human element -- and to identify cases that we could highlight in program communications.

We then began to explore measures that would be gathered from someone other than staff (such as clients, or the staff of other agencies or community-based groups). We measure these outcomes from samples obtained by volunteer students, local University faculty, and from evaluation forms completed by participants in community education programs.

This process of articulating desired outcomes forced us to consider, time after time, "Why are we really doing this activity?" "Why are these the eviction case acceptance criteria?" "What are we doing for domestic violence victims?" "Why are we on this mayor's advisory committee?" "What will be different for residents if we bring this lawsuit against the Housing Authority?" "What are we, as individuals and as an organization, really accomplishing?" And

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measures lack context. On the other hand, an appropriate LSC objective could be formulated along these lines: By January 2006, 80% of funded Legal Aid organizations will articulate goals and objectives developed through a recent comprehensive strategic planning process, and they will evaluate the effectiveness of service modalities by articulating desired client outcomes, and measuring a logically-related outcome indicator for, at least 60% of their legal services activities.

LSC strategies for achieving this objective would need to address grantees' organizational capacity in evaluation technique by, for example providing technical assistance and training, funding pilot or demonstration programs, and developing and distributing evaluation guidelines or protocols.

If the LSC objective is to determine the relative effectiveness of different services, strategies, or methods of delivery, LSC will need to invest in scientifically-valid comparison studies and mandate the activities, and performance specifications that it requires from participants in the study. To replicate effective services, detailed instructions -- similar to those found in LSC's Accounting Manual -- would be needed. In addition, an Audit Guide would be an important protection for LSC and its grantees, as outcomes required to be reported to LSC would be subject to audit.

<sup>8</sup> These individual case outcome codes are included in the materials assembled by Colleen Cotter for this conference.

these are the right questions to be asking. To sustain this focus on results, one first develops the capability, and then instills the habit, of looking at outcomes – in the context of program reconfiguration, hotline advice services, complex litigation or pro bono expansion, as well as in the context of individual client representation. This discipline helps us choose to do the right things as well as to do them more effectively. In recent years, Legal Aid has moved from linear, to integrated, planning.<sup>9</sup> Linear planning, which in legal services includes needs assessment, identification of opportunities and allies, and resource allocation, is valuable on a four-year cycle in a mature organization. It proceeds as follows –

### *Linear Planning*

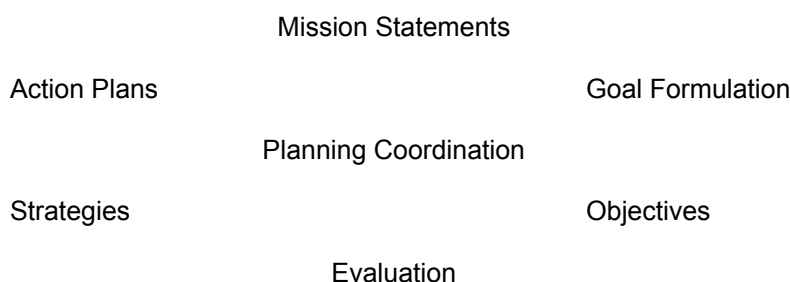
>Mission Statement >Goal Formulation >Objectives >Strategies >Action Plans >Action >Evaluation

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Time

Integrated planning promotes continues improvement of internal processes, adjustment of staff and other resource allocation, and program evaluation. Data including outcome measures are documented continuously, compiled on a monthly basis, and reviewed quarterly by senior management.

### *Integrated Planning*




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<sup>9</sup> The diagram and general concepts are more fully explained in Wolf, Thomas. Managing a nonprofit

Managers and staff review the data, and address the following questions:

- Are our objectives clear, and do our case acceptance criteria, and other strategies support achieving the objectives?
- Is our caseload volume what we expected?
- Do outcome indicators and other project evaluation tools provide the necessary information to evaluate the results for clients?
- Does the workplan have a clear focus: do we know what business we're in?

## II. Illustrative Outcome Measures in Context

Mission Statement: To resolve serious legal problems of low-income people, promote economic and family stability and reduce poverty through effective legal assistance.

Goal: To promote employment of and job retention by low-income people.

### SECTION I: PROPOSED OUTCOMES

UW&CC Program Name: Comprehensive Employment Assistance

All information in this section is to be completed for time period January 1, 2003 - December 31, 2003. Limit number of proposed outcomes to more than six per program.

PROPOSED PROGRAM OUTCOMES (Jan. 1-Dec. 31, 2003)	OUTCOME INDICATORS (Jan. 1-Dec. 31, 2003)	BASIS FOR TARGET INDICATORS	RESEARCH	DATA SOURCE	DATA COLLECTION METHOD
<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Job training provider agencies are identifying clients' employment barriers that can be resolved through legal assistance, and are making appropriate referrals so clients can receive legal services to eliminate barriers to employment</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Clients are actively searching for employment or are retaining employment as a result of receiving legal help to resolve problem that was a barrier to employment</li> </ul>	<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Job training/retention programs are making 500 annual referrals to Legal Aid and 75% , or 375, are appropriate for resolution through legal assistance</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• 201 (67% of 300) clients who follow through on referral, report that having attorney working on his or her case has removed barrier to job search or job attendance, allowing client to focus on employment objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• Indicator measures activity of partner agencies necessary for client population to access legal help. Target number has been reduced because many employment programs have cut services; percentage of "appropriate" referrals added.</li> <li>• Indicator measures extent that target population achieving desired outcome; based on past performance <ul style="list-style-type: none"> <li>○ Case mix of referrals has changed so there is more of a drop-off from initial to intermediate outcome; many clients referred for expungement of criminal records are not legally eligible.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Steve Howe documents importance of legal services as a support service needed by 20-30% of participants in job search/training programs; and increased likelihood that clients will stick with the job placement/retention program if support services are made available</li> <li>• Two surveys of participants and employment program staff have demonstrated clients' successes in job search/retention enhanced by obtaining an attorney to take care of legal problem.</li> </ul>	<ul style="list-style-type: none"> <li>• Legal Aid intake records</li> <li>• Evaluation surveying employment program staff and clients to measure impact of legal services on employment success - periodic outcomes study</li> </ul>	<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Review of program records</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Annual survey of sample of clients, staff interviews, and review of data from partner agencies to measure impact of legal services on job retention or other measure of partner agency programs' success</li> </ul>



Goal: To help poor people get adequate income through public benefits if they cannot work or are out of work, to identify additional sources of income, and to increase healthcare access.

#### SECTION I: PROPOSED OUTCOMES

UW&CC Program Name: Emergency Assistance

All information in this section is to be completed for time period January 1, 2003 - December 31, 2003. Limit number of proposed outcomes to no more than six per program.

PROPOSED PROGRAM OUTCOMES (Jan. 1 - Dec. 31, 2003)	OUTCOME INDICATORS (Jan. 1-Dec. 31, 2003)	BASIS FOR TARGET INDICATORS	RESEARCH	DATA SOURCE	DATA COLLECTION METHOD
<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Clients understand whether they have the right to benefits</li> <li>• Clients are more likely to get benefits they are eligible for because the community of helping agencies is better equipped to provide accurate information and refer difficult cases to Legal Aid</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Clients take steps necessary to prevent loss or reduction of income source (i.e., file timely request for hearing)</li> </ul> <p><b>Longer-Term</b></p> <ul style="list-style-type: none"> <li>• Low-income families and individuals secure eligibility for cash and other benefits (food stamps; disability benefits; Veteran benefits) so family no longer in crisis</li> </ul>	<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• 810 (75% of 1,080) callers receiving information report understanding their rights</li> <li>• 40 (80% of 50) agency, community-based group staff who obtain accurate information about benefits eligibility and services Legal Aid can provide to clients, report they are more likely to help clients get benefits</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Of 150 clients assisted directly by Legal Aid, 67%, or 101, prevent loss or reduction of income</li> </ul> <p><b>Longer Term</b></p> <ul style="list-style-type: none"> <li>• Of 200 clients receiving services, 80%, or 160 families or individuals establish eligibility for benefits</li> </ul>	<ul style="list-style-type: none"> <li>• Target is lower due to anticipation of fewer requests for this service.</li> <li>• Target is lower due to decreased agency staffing levels, and fewer change expected in benefit program rules means less need for service.</li> </ul> <p>• Based on past performance</p> <p>• Based on past performance</p>	<ul style="list-style-type: none"> <li>• Indicator is direct measure of desired outcomes</li> <li>• Indicator is measure of change in conditions associated with desired outcome for target population; verified by sample testing.</li> </ul> <p>• Indicator measures extent that desired outcome is actually achieved by target population</p> <p>• Indicator measures extent that desired outcome is actually achieved by target population</p>	<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Client answers to questions included in case management system</li> <li>• Community legal education reports/evaluations completed by participants and presenters</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Client report to paralegal or attorney maintained in case file, verified by attorney or paralegal</li> </ul> <p><b>Longer-Term</b></p> <ul style="list-style-type: none"> <li>• Attorneys and paralegals document administrative agency and court decisions regarding program eligibility</li> </ul>	<p><b>Initial</b></p> <ul style="list-style-type: none"> <li>• Review and compile from case management system</li> <li>• Review and compile CLE evaluation reports</li> </ul> <p><b>Intermediate</b></p> <ul style="list-style-type: none"> <li>• Review and compile information from case files and closed case reports</li> </ul> <p><b>Longer-Term</b></p> <ul style="list-style-type: none"> <li>• Compiled quarterly from program records</li> </ul>

Strategy: Medical provider education program that will develop materials for at least 100 safety-net providers regarding eligibility and application procedures.

#### Performance Measures:

- *Guide to Immigrant Healthcare* (April 29, 2002) - 14 hospital staff demonstrated a 24% increase in knowledge.

- *Greater Cincinnati Healthcare Access Project Call Back Tomorrow - Title VI and Healthcare Providers' Obligations to People with Limited English Proficiency* (May 10, 2002) - 84 Healthcare providers from hospitals, health centers, and physician offices from CEO's to front-line patient accounts representatives. Participants demonstrated 33% increase in knowledge on pre-test / post-test.
- *Ohio Department of Mental Health Summit on Behavioral Health* (May 30, 2002) - provided Case Manager's Guide to Medicaid Spenddown training to 60 case managers both in-person and via video to individuals at ODMH facilities across the state. Audience demonstrated a 51% increase in knowledge of pre-test / post-test.